IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 18TH JULY 2007 / 27TH ASHADHA 1929

Bail Appl..No. 4350 of 2007()

[CRIME NO.63/2006 OF PEROORKKAA POLICE STATION]

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PETITIONER/3RD ACCUSED:

RAJESH @ REJI, S/O. RAVEENDRAN,
T.C.3/1387, PUTHEN VEEDU, LEKSHMI NAGAR,
PATTOM (P.O), TRIVANDRUM.

BY ADV. SRI.NAGARAJ NARAYANAN
SRI.RAJAN VELLOTH
SRI.SAIJO HASSAN
SRI.A.S.SABU

RESPONDENT: STATE:

STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.P.RAVINDRA BABU

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 18/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.4350 of 2007

Dated this the 18th day of July 2007

O R D E R

Application for anticipatory bail. The petitioner is the third accused. He, along with the co-accused, faces indictment inter alia under Sections 325 and 308 read with 149 I.P.C. Investigation is complete. Final report has already been filed. The case has been registered as committal proceedings. Consequent to non-appearance of the petitioner before the learned Magistrate, the petitioner finds himself in the unenviable predicament of a warrant of arrest issued by the learned Magistrate chasing him. According to the petitioner, he is absolutely innocent. His absence was not wilful or deliberate. No notice or summons of the court was ever served on him. The petitioner now wants to surrender before the learned Magistrate and apply for bail. He shall co-operate with the court for the expeditious disposal of the case against him. But he apprehends that his application for bail may not be considered by the learned Magistrate on merits, in accordance with law and expeditiously. He, therefore, prays that directions under Section 482 Cr.P.C. may be issued to the learned Magistrate to release the petitioner on bail when he appears and applies for bail.

2. It is for the petitioner to appear before the learned Magistrate and explain to the learned Magistrate, the circumstances

under which he could not earlier appear before the learned Magistrate.

3. I find absolutely no reason to assume that the learned Magistrate would not consider the application for bail to be filed by the petitioner on merits, in accordance with law and expeditiously. Every court must do the same. No special or specific directions appear to be necessary. Sufficient general directions have been issued in Alice George vs. Deputy Superintendent of Police [2003(1) KLT 339].

4. In the result, this bail application is dismissed but with the specific observation that if the petitioner surrenders before the learned Magistrate and applies for bail, after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits, in accordance with law and expeditiously - on the date of surrender itself.

5. In the facts and circumstances of this case, it is further directed that the warrant of arrest issued against the petitioner shall not be executed till 25/7/2007. The petitioner shall in the meantime appear before the learned Magistrate and seek regular bail.

(R.BASANT, JUDGE)

jsr

// True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007